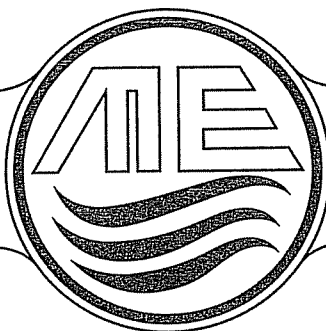


CIVIL/SANITARY/ENVIRONMENTAL ENGINEERS

SOLID WASTE MANAGEMENT

**Municipal
Services**

SITE PLANNING/SUBDIVISIONS

**Engineering
Company, P.A.**

SUBSURFACE UTILITY ENGINEERING (SUE)

May 30, 2013

Ms. Jaclynne Drummond, Compliance Hydrogeologist
Solid Waste Section
NC DENR Division of Waste Management
1646 Mail Service Center
Raleigh, NC 27699-1646

SUBJECT: CORRECTIVE ACTION PLAN ADDENDUM
Compliance Boundary (Relevant Point of Compliance)
MW-16 Area of Concern
Alexander County C&D Over MSW Landfill
Solid Waste Permit No. 02-01
MESCO Project No. G13061.0

Dear Ms. Drummond:

In response to NC DENR requirements of February 18, 2013, as outlined in a letter to Mr. Rick French/Alexander County Manager (DIN 18502), this Corrective Action Plan (CAP) Addendum is hereby provided on behalf of Alexander County by Municipal Engineering Services Company (MESCO) for the Alexander County C&D over MSW Landfill (Solid Waste Permit No. 02-01). Specifically, this CAP Addendum addresses issues at the landfill's MW-16 Area of Concern (AOC). DENR requirements are provided in the bolded italicized sections below.

1. Please submit a Corrective Action Plan (CAP) Addendum within 120 days of receipt of this letter reflecting the new location of the compliance boundary (relevant point of compliance) within the MW-16 Area of Concern. The CAP Addendum should also reflect any necessary changes to the selected remedy for the MW-16 Area of Concern and may include any other Areas of Concern if needed.

In February 2009, MESCO submitted a CAP in which the selected remedy for the MW-16 AOC included the acquisition of property for the purposes of (1) investigating and mitigating landfill gas and water quality impacts, and (2) extending the landfill boundary. On March 3,

2011, Alexander County fulfilled the property acquisition requirement by purchasing a 15.60 acre tract of adjoining land along the eastern landfill boundary from Crescent Resources, LLC (Book 546, Page 2247, recorded March 4, 2011). The parcel was subsequently surveyed and land use restrictions were prepared in accordance with DENR requirements. On November 13, 2012, the parcel survey and restrictions were recorded in the Alexander County Registry as *Survey For Notice of Contaminated Site Alexander County Landfill* (Map Book 13, Page 42) and *Notice and Declaration of Perpetual Land Use Restrictions* (Book 560, Pages 1792-1797). Legal documents and maps showing the recent property acquisition, new extended landfill boundary, monitoring wells, and gas probes at the MW-16 AOC are attached. This CAP Addendum changes the selected remedy for the MW-16 AOC in that underground injection will no longer be required or performed.

2. If groundwater collected from groundwater monitoring wells MW-33 or MW-34 indicates confirmed exceedances of the groundwater standards, a new remedy shall be implemented in addition to the ongoing Monitored Natural Attenuation (MNA) within the MW-16 Area of Concern.

Currently, the state-approved selected remedy for the MW-16 AOC consists of monitored natural attenuation (MNA). Monitoring of this AOC is done using two wells, MW-33 and MW-34 and surface water sampling location SW-6. Exceedances of applicable groundwater and surface water standards have not been observed in these wells to date; hence, a new selected remedy for this AOC, in addition to MNA, is not required at this time.

3. Please add landfill gas monitoring well MP-A to the required routine quarterly landfill gas monitoring at the facility. If landfill gas monitoring of MP-A indicates exceedances of the regulatory standards, landfill gas assessment and corrective action will be required within the MW-16 Area of Concern.

Landfill gas monitoring probe MP-A is now part of the county's quarterly gas monitoring program. To date, no exceedances of regulatory standards have been detected in MP-A; thus, landfill gas assessment and corrective action for the MW-16 AOC is not required at this time.

4. Finally, the facility's Permit to Operate (PTO) expires on November 10, 2015. In 2015 upon permit renewal or closure, Alexander County will be required to submit a new survey plat of the facility including the acquired property. During this time, the facility boundary will be expanded to include the acquired property recorded within the Alexander County Register of Deeds Office as Book 13, Page 142 and Book 560, Page 1792-1797. Therefore, no permitting fees will be required at this time, but permitting fees may be required in 2015.

As part of the Alexander County Landfill permit renewal in 2015, a new survey plat of the entire facility, including the recent property acquisition, new extended landfill boundary, monitoring wells, and gas probes at the MW-16 AOC, will be provided. This new survey will be recorded with the Alexander County Register of Deeds Office as required by NC DENR.

Please contact me with any questions or if further information is required at mdurway@mesco.com or (919) 772-5393. Thank you.

Sincerely,

MUNICIPAL ENGINEERING SERVICES COMPANY, P.A. (C-0281)



D. Mark Durway, PG



cc: Josh Mitchell, Alexander County Solid Waste Director

Attachments



North Carolina Department of Environment and Natural Resources

Division of Waste Management

Pat McCrory
Governor

Dexter R. Matthews
Director

John E. Skvarla, III
Secretary

February 18, 2013

Sent Via Email – rfrench@alexandercountync.gov

Mr. Rick French
Alexander County Manager
621 Liledoun Road
Taylorsville, NC 28681

Re: Compliance Boundary (Relevant Point of Compliance)
Alexander County C&D Over MSW Landfill
Solid Waste Permit Number 02-01
DIN 18502

Dear Mr. French:

The Solid Waste Section would like to thank Alexander County for its cooperation regarding the quick response for the recordation of the survey (*Survey For Notice of Contaminated Site Alexander County Landfill*) and the land use restrictions (*Notice and Declaration of Perpetual Land Use Restrictions*) for the Alexander County Landfill, Solid Waste Permit Number 02-01. These documents were recorded within the Alexander County Register of Deeds on November 13, 2012 (Book 13, Page 142 and Book 560 Page 1792-1797).

Part of the approved selected remedy contained within the County's approved *February 6, 2009 Corrective Action Plan* included acquisition of property to investigate and mitigate landfill gas and/or water quality impacts within the MW-16 Area of Concern. In addition, within the County's approved *February 6, 2009 Corrective Action Plan*, once the acquisition of property was completed, the County would request to move the facility's compliance boundary (relevant point of compliance) from 50 feet within the property boundary to 250 feet from the edge of waste onto the acquired property.

Pursuant to 15A NCAC 13B .1631(a)(2)(A), the relevant point of compliance shall be established no more than 250 feet from a waste boundary, and shall be at least 50 feet within the facility property boundary. Extending the compliance boundary from 50 feet within the property boundary onto the acquired property would allow more room to assess and mitigate any landfill gas and/or water quality impacts.

In addition, Alexander County installed groundwater monitoring wells MW-33 and MW-34 on April 27, 2011 on the acquired property (DIN 14075 and 18501) approximately 250 feet from the edge of waste. To date, no volatile organic compounds or the facility's constituents of concern have been detected that have exceeded the groundwater standards within these two groundwater monitoring wells on the acquired property. Alexander County also installed a landfill gas monitoring well, MP-A, on April 28, 2011 on the acquired property. To date, no detections or exceedances of methane have been observed within this landfill gas monitoring well.


As a result, the request to move the compliance boundary (relevant point of compliance) 250 feet from the

edge of waste onto the acquired property is approved. Due to the compliance boundary (relevant point of compliance) being moved, Alexander County will be required to conduct the following:

1. Please submit a Corrective Action Plan (CAP) Addendum within 120 days of receipt of this letter reflecting the new location of the compliance boundary (relevant point of compliance) within the MW-16 Area of Concern. The CAP Addendum should also reflect any necessary changes to the selected remedy for the MW-16 Area of Concern and may include any other Areas of Concern if needed.
2. If groundwater collected from groundwater monitoring wells MW-33 or MW-34 indicates confirmed exceedances of the groundwater standards, a new remedy shall be implemented in addition to the ongoing Monitored Natural Attenuation (MNA) within the MW-16 Area of Concern.
3. Please add landfill gas monitoring well MP-A to the required routine quarterly landfill gas monitoring at the facility. If landfill gas monitoring of MP-A indicates exceedances of the regulatory standards, landfill gas assessment and corrective action will be required within the MW-16 Area of Concern.
4. Finally, the facility's Permit to Operate (PTO) expires on November 10, 2015. In 2015 upon permit renewal or closure, Alexander County will be required to submit a new survey plat of the facility including the acquired property. During this time, the facility boundary will be expanded to include the acquired property recorded within the Alexander County Register of Deeds Office as Book 13, Page 142 and Book 560, Page 1792-1797. Therefore, no permitting fees will be required at this time, but permitting fees may be required in 2015.

If you have any questions or concerns regarding this letter, please contact me at 919-707-8294 or by email at jaclynne.drummond@ncdenr.gov. Thank you again for your continued cooperation with these matters.

Sincerely,



Jaclynne Drummond
Compliance Hydrogeologist
Solid Waste Section

cc sent via email: Josh Mitchell, Alexander County Solid Waste Director
Mark Poindexter, Field Operations Supervisor
Jason Watkins, Western District Supervisor
Charles Gerstell, Environmental Senior Specialist
Larry Frost, Permitting Engineer

FILED
BOOK 546 PAGE 2247

2011 MAR -4 PM 4:50 ⁵⁸

Benjamin W. Plisset

REGISTER OF DEEDS
ALEXANDER COUNTY, NC

Issued Mar 04 2011

\$172.00

State of **Alexander**
North Carolina County

Real Estate Excise Tax

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax ^{\$172.00} ~~\$170.00~~ *mc*



S-Tract 25.00

Tax Lot No. F-11 0007A Parcel Identifier No. 0062694

Verified by _____ County on the _____ day of _____

By _____

Mail after recording to Robert E. Campbell, Esq., 214 Main Ave. Drive, Taylorsville, NC 28681

This instrument was prepared by Robinson, Bradshaw & Hinson, P.A., 101 N. Tryon Street, Suite 1900, Charlotte, NC 28246

Brief description for the Index

15.70 Acres, Plat Book 8, Page 108

THIS DEED made this 3rd day of March, 2011, by and between

GRANTOR

CRESCENT RESOURCES, LLC, a Georgia limited liability company (successor by election and entity conversion to Crescent Resources of Georgia, Inc., a Georgia corporation, successor by merger to Crescent Resources, Inc., a South Carolina corporation, formerly known as Crescent Land & Timber Corp., a South Carolina corporation)

227 West Trade Street, Suite 1000
Charlotte, NC 28202

GRANTEE

ALEXANDER COUNTY, a political subdivision of the State of North Carolina

621 Liledown Road
Taylorsville, North Carolina 28681
Attention: County Manager

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

3033597v1 04491.01153

0812

BK 0546 PG 2248

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, that certain lot or parcel of land situated in Millers Township, Alexander County, North Carolina, and more particularly described as follows:

Being all of that certain lot or parcel of land situated in Millers Township, Alexander County, North Carolina, as described and shown on plat of survey captioned "Crescent Resources, LLC, Lookout Shoals Development, Boundary Survey of Portion of J.C. Bell Tract, LOS-41" prepared by Jay A. Hallman, Professional Land Surveyor, and recorded on March 24, 2003, in Plat Book 8, Page 108, in the office of the Register of Deeds of Alexander County, North Carolina, and containing approximately 15.70 acres according to such survey; INCLUDING, without limitation, the easement rights appurtenant to the property as evidenced by that certain Agreement dated November 5, 1979, between James L. Correll and wife, Kathy W. Correll; Tony J. Correll and wife, Linda R. Correll; and Crescent Land & Timber Corp., a South Carolina corporation (presently known as Crescent Resources, LLC, a Georgia limited liability company), recorded in Deed Book 217, Page 267, Alexander County Registry.

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 95, Page 98.

A map showing the above described property is recorded in Plat Book 8 page 108.

All or a portion of the property herein conveyed ☐ includes or ☒ does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated.

Title to the property is subject to the lien of ad valorem property taxes and charges accruing on and after January 1, 2011, and all enforceable restrictions, conditions, easements and rights of way of record, including, but not limited to, that certain Agreement dated November 5, 1979, recorded in Deed Book 217, Page 267, Alexander County Registry.

By its acceptance of this deed, as evidenced by the consideration paid, the Grantee, for itself, its successors and assigns, hereby releases, and agrees to defend, indemnify and hold harmless, the Grantor from and against any and all claims, causes of actions or costs (including but not limited to reasonable attorneys fees) that might arise in connection with or as a result of any violation of any local, state or federal environmental law with respect to the subject property, no matter when or how such violation may have first occurred. The Grantee accepts the property "AS-IS" in its present condition and without any warranty whatsoever except as expressly stated in this deed. Further, the Grantee, for itself, its successors and assigns, assumes all liability of the Grantor that may arise or have arisen in connection with or as a result of any violation of any local, state or federal environmental law with respect to the subject property, no matter when or how such violation may have first occurred.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its name by its duly authorized manager/officer the day and year first above written.

CRESCENT RESOURCES, LLC, a Georgia limited liability company

Use Black Ink

By:

Name: James M. Short Jr.
Title: President, Land Management

[Acknowledgment begins on following page]

3033597v1 04491.01153

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

BK 0546 PG 2249

I, Susan Higginson, a Notary Public of Gaston County and State of North Carolina, do hereby certify that James M. Short, Jr., ("Signatory"), personally came before me this day and acknowledged that he is President, Land Management, of Crescent Resources, LLC, a Georgia limited liability company, and that he, as President, Land Management, being authorized to do so, executed the foregoing instrument on behalf of the company.

I certify that the Signatory personally appeared before me this day, and

(check one of the following)

☒ (I have personal knowledge of the identity of the Signatory); or

☐ (I have seen satisfactory evidence of the Signatory's identity, by a current state or federal identification with the Signatory's photograph in the form of:

(check one of the following)

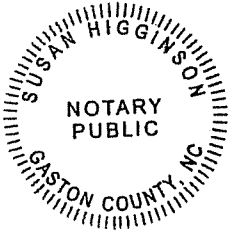
☐ a driver's license or

☐ in the form of _____); or

☐ (a credible witness has sworn to the identity of the Signatory).

The Signatory acknowledged to me that he voluntarily signed the foregoing instrument for the purpose stated in the capacity indicated.

Witness my hand and official stamp or seal this 3rd day of March, 2011.



Susan Higginson
Notary Public

Susan Higginson

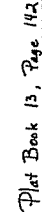
Notary's printed or typed name

[Note: Notary Public must sign exactly as on notary seal]

My Commission Expires: March 27, 2011

[NOTARY SEAL] (MUST BE FULLY LEGIBLE)

3033597v1 04491.01153



FD 35 (Rev. 1-25-60)

vol. 12 Page 42 Page 1 of 1

Book: 13 Page: 142 Seq: 1

Type:
Recorded: 11/13/2012 11:15:26 AM
Fee Amt: \$26.00 Page 1 of 6
Alexander, NC
Benjamin W. Hines Register of Deeds
File#

BK 560 PG 1792 - 1797

NOTICE AND DECLARATION OF PERPETUAL LAND USE RESTRICTIONS

NOTICE IS HEREBY GIVEN THAT PERPETUAL LAND USE RESTRICTIONS ARE IMPOSED ON PROPERTY OF:

ALEXANDER COUNTY
PAYNES DAIRY ROAD
MILLERS TOWNSHIP
TAYLORSVILLE, ALEXANDER COUNTY, NORTH CAROLINA

AT THE LOCATION DESCRIBED IN THE DEED RECORDED IN DEED BOOK 546, AT PAGE 2247 OF THE ALEXANDER COUNTY REGISTRY. A SURVEY PLAT OF THE PARCEL AND ADJACENT ALEXANDER COUNTY LANDFILL ARE RECORDED AT PLAT BOOK 13, PAGE 142, ALEXANDER COUNTY REGISTRY.

Development and land use restrictions apply to the real property (Property) described and are by the undersigned Property owner. Questions concerning this matter may be directed to the North Carolina Department of Environment and Natural Resources, Division of Waste Management, Solid Waste Section, 217 West Jones Street, Raleigh, North Carolina.

This "Notice of Declaration of Perpetual Land Use Restrictions" is not a permit for solid waste disposal, and it is not to be construed as a permit for a disposal facility. The Property has never been a permitted solid waste disposal site.

Alexander County has received permits to construct and operate waste disposal areas (units) at the Alexander County Landfill located at 2500 Payne Dairy Road in Taylorsville, Solid Waste Permit Number 02-01. The Alexander County Landfill operated as a Municipal Solid Waste (MSW) unlined sanitary landfill that consisted of two waste disposal units. The western MSW waste disposal unit was closed in 1991, and the eastern MSW waste disposal unit was closed in 1999. The Alexander County Construction and Demolition (C&D) Landfill was constructed and is currently operating on top of the western MSW waste disposal unit. Various organic and inorganic constituents have been detected in samples of groundwater at the landfill. Methane gas exceedances have also been documented at the landfill.

On July 9, 1998 the Solid Waste Section sent correspondence to Alexander County regarding the initiation of an Assessment of Corrective Measures as required by 15A NCAC 13B .1634 and .1635. Alexander County submitted an *Assessment of Corrective Measures Report* to the Solid Waste Section on April 11, 2008, pursuant to 15A NCAC 13B .1635. Alexander County conducted a public meeting on June 26, 2008. After the public meeting was conducted, Alexander County selected a remedy, and the Solid Waste Section approved the selected remedy on February 2, 2009. The selected remedy included Monitored Natural Attenuation (MNA), Phytoremediation, Enhanced Bioremediation, Active Methane Extraction System, and Acquisition of Property to mitigate landfill gas and groundwater impacts at the property boundary. Alexander County submitted a Corrective Action Plan, and the Solid Waste Section approved Alexander County's *February 6, 2009 Corrective Action Plan* on February 19, 2009.

Alexander County purchased the 15.70 acre parcel described above on March 3, 2011. The Property was purchased as part of Alexander County's corrective action at the landfill for the purpose of assessment and corrective action of landfill gas and groundwater contamination and to increase the buffer zones from the source of these releases from the Alexander County Landfill.

The purpose of recording this Notice and Declaration of Perpetual Land Use Restrictions is to provide actual and constructive notice to subsequent purchasers of the property described herein and to reduce any risk to public health, safety or the environment from development in proximity to waste. Some risks, without limitation, include the generation and migration of landfill gas which is explosive at certain levels and the migration of contaminated groundwater.

Whenever the land, or any part of the land described above, is sold, leased, conveyed or transferred, the deed or other instrument of transfer shall contain in the description section in no smaller type than that used in the body of the deed or instrument a statement that the property has been used to mitigate landfill gas and groundwater releases from Alexander County and that development and land use restrictions apply to the site, together with the book and page number where the survey plat is recorded and the book and page number where this "Notice and Declaration of Perpetual Land Use Restrictions" is recorded.

DECLARATION OF PERPETUAL LAND USE RESTRICTIONS

Therefore, for the purpose of protecting public health, safety and the environment, Alexander County hereby declares that all real property described in the recorded documents listed above, shall be held, sold, conveyed or otherwise transferred, or leased subject to the following perpetual land use restrictions, which shall run with the land; shall be binding on all parties having any right, title or interest in the dumpsite and surrounding buffer zone or any part thereof, their heirs, successors and assigns; and shall, as provided in N.C.G.S. 143B-279.9, be enforceable without regard to lack of privity of estate or contract, lack of benefit to particular land, or lack of any property interest in particular land. Alexander County may submit a written request that a restriction no longer be imposed for a proposed specified activity and the Department of Environment and Natural Resources (or its successor in function), or his/her delegate may give written approval of such an activity. These restrictions shall continue in perpetuity and cannot be amended or canceled unless and until the Alexander County Register of Deeds receives and records the written notice of the Secretary of the Department of Environment and Natural Resources (or its successor in function), or his/her delegate. If any provision of this Declaration is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.

THE FOLLOWING LAND USE RESTRICTIONS ARE HEREBY IMPOSED:

1. The Property shall not be developed or utilized for residential, commercial, industrial, institutional, agricultural or recreational purposes.
2. There shall be no above- or below-ground construction or improvements on the Property, including, but not limited to, buildings, shelters, utilities, communication tower installations, roads, parking lots, and sidewalks. Activities which are approved in writing in advance by DENR as part of an approved Corrective Action Plan are allowed on the Property.
3. No surface or subsurface native or fill earthen materials may be removed from the Property without the written permission of DENR or its successor in function. There shall be no alteration, disturbance or removal of the existing soil, landscape and contours, other than DENR-approved erosion control measures, unless specifically approved by DENR or its successor in function as part of an approved Corrective Action Plan.
4. The Property shall not be used for growing crops, animal grazing, kennels, animal shelters or pens, riding clubs or trail rides.
5. The Property shall not be used for timber production or logging.
6. The Property shall not be used for mining, extraction of coal, oil, gas or any other minerals or non-mineral substances.
7. Hunting, fishing, hiking and camping on the Property are prohibited. Firing ranges are prohibited.
8. Any surface or underground water shall not be used for any purpose. The installation of groundwater wells or other devices for access to groundwater for any purpose other than monitoring groundwater quality or corrective action of groundwater contamination in accordance with a DENR-approved Corrective Action Plan is prohibited.
9. Vehicles, mobile offices, and any other machinery or equipment shall not be parked or stored on the Property unless they are necessary to implement a DENR-approved remediation plan.
10. Solid waste, junked vehicles, mobile homes, appliances and other materials, including waste materials, recyclables, land clearing waste or virgin materials, shall not be located, disposed or stored on the Property.
11. The Property may be used for any corrective action investigation and corrective action activities previously approved by DENR or its successors in function in writing.
12. Activities necessary to remediate contamination at the Property, maintain the security of the Property, prevent human exposure to contaminated materials, and to prevent erosion of contaminated soil at the Property are permitted, if approved in writing in advance by DENR or its successor in function.
13. All other uses and activities at the Property are prohibited, except as approved in writing by DENR or its successor in function.

14. Public access to the Property shall be prevented by means of gates, fences, and "No Trespassing Signs" along the Property boundary with the Alexander County Landfill.
15. All landfill gas and groundwater wells located on the Property for the duration of the implementation of the Corrective Action Plan, including long term monitoring, shall be protected.
16. No person conducting environmental assessment or remediation at the Property at the direction of, or pursuant to a plan approved by DENR or its successor in function may be denied access to the Property for the purpose of conducting such activities. No person involved in determining compliance with applicable land use restrictions at the direction of, or pursuant to a plan approved by DENR or its successor in function may be denied access to the Property for the purpose of conducting such activities.
17. Annually on or before the anniversary date of the recordation of this Declaration, the owner(s) of the Property shall submit to DENR, or its successor in function, a letter report containing the notarized signature of the owner(s), confirming that this Declaration is still recorded in the Office of the Alexander County Register of Deeds and that activities and conditions at the Property remain in compliance with the land use restrictions herein.
18. These declarations of land use restrictions shall apply to all successors and assigns to the Property or any part of the Property. The owner of the Property which is the subject of this Declaration shall cause any lease, grant, or other transfer of any interest in the property to include a provision expressly requiring the lessee, grantee, or transferee to comply with this Declaration. The failure to include such provision shall not affect the validity or applicability of any land use restriction in this Declaration to the Property.

REPRESENTATIONS AND WARRANTIES

Alexander County hereby represents and warrants that:

Alexander County is the sole owner of the Property;

Alexander County holds fee simple title to the Property free, clear and unencumbered;

Alexander County has the power and authority to enter into this Declaration, to grant the rights and interests herein provided and to carry out all obligations hereunder;

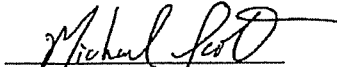
This Declaration will not materially violate or contravene or constitute a material default under any other agreement, document or instrument to which Alexander County is a party or by which Alexander County may be bound or affected; and

The undersigned has the authority to sign this Declaration, and by signing to bind Alexander County to the Land Use Restrictions and the obligations in this Declaration.

ENFORCEMENT

The above land use restrictions are an integral part of the remedy for the contamination at the Alexander County Landfill and prevention of human exposure to harmful substances. Adherence to the restrictions is necessary to protect public health, safety and the environment. These land use restrictions shall be maintained and enforced by any owner, operator, lessee or other party responsible for any part of the

Property. The above land use restrictions may also be enforced by DENR through the remedies provided in N.C.G.S. Chapter 130A, Article 1, Part 2 or by means of a civil action, and may also be enforced by any unit of local government having jurisdiction over any part of the Property, as provided in N.C.G.S. § 130A-301(f) and N.C.G.S. § 143B-279.10. Any attempt to cancel this Declaration without the written approval of DENR or its successor in function shall constitute noncompliance with the Corrective Action Plan approved by DENR for the Alexander County Landfill, and shall be subject to enforcement by DENR to the full extent of the law. Failure by any party required or authorized to enforce any of the above restrictions shall in no event be deemed a waiver of the right to do so thereafter as to the same violation or as to one occurring prior or subsequent thereto.


Michael Scott, Chief
Solid Waste Section
Division of Waste Management

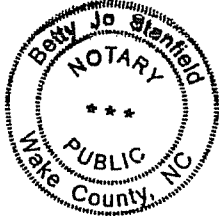
NORTH CAROLINA
WAKE COUNTY

I, Betty Jo Stanfield, a Notary Public for said County and State,

do hereby certify that Michael Scott, Chief, Solid Waste Section, Division of Waste Management, NCDENR, personally appeared before me this day and acknowledged the due execution of the foregoing "Notice of and Declaration of Perpetual Land Use Restrictions."

Witness my hand and official seal, this the 1, day of November 2012.

[OFFICIAL SEAL]




Notary Public

My Commission Expires December 29, 2014


Rick French, Alexander County Manager

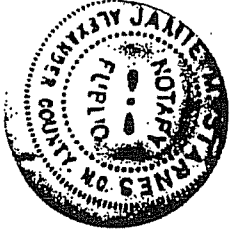
NORTH CAROLINA
ALEXANDER COUNTY

I, Jamie M. Starnes a Notary Public for said County and State,

do hereby certify that Rick French, personally appeared before me this day and acknowledged the due execution of the foregoing "Notice and Declaration of Perpetual Land Use Restrictions."

Witness my hand and official seal, this the 7th, day of November 2012.

[OFFICIAL SEAL]



Jamie M. Starnes
Notary Public

My Commission Expires 8/23/2016